IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 31377 of 2007(I)

AGAINST THE ORDER IN IA. 1023 /2007 IN CMA.31/2007 OF SUB COURT,KOTTARAKKARA IA. 1615 /2006 IN OS.265/2006 OF MUNSIFF COURT, PUNALUR

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PETITIONER:

G.JAYAKUMAR, JAYA BHAVAN, URUKUNNU P.O THENMALA, PATHANAPURAM TALUK. REPRESENTED BY HIS POWER OF ATTORNEY HOLDER V.GOPALAKRISHNAN, S/O.VELU, JAYA BHAVAN, URUKUNNU P.O., THENMALA, PATHANAPURAM TALUK.

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENTS:

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1. THE GOVERNMENT OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIATE, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER, KALLADA IRRIGATION PROJECT, CHIEF ENGINEERS OFFICE, RAVI NAGAR, KOTTARAKKARA.

3. THE ASSISTANT EXECUTIVE ENGINEER, EXECUTIVE OFFICERS, DAM SITE, THENMALA, PATHANAPURAM TALUK.

BY GOVERNMENT PLEADER SRI. SHYSON P.MANGUZHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.31377 OF 2007

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Dated this the 23rd day of October 2007

JUDGMENT

This writ petition is filed challenging the order of the Sub Court, Kottarakkara in I.A.No.1023/2007 in C.M.A.No.31/2007. The petitioner had sought for an injunction and the appellate court had refused the same. The petitioner had been put into possession of the premises by virtue of an agreement dated on 6.9.2003 for a period of 3 years, which has expired on 5.9.2006. There is no stipulation in the agreement for extending the lease period further after the expiry of 3 years. A supplemental agreement has been entered into between the petitioner and respondents whereby some alterations are made by the petitioner with the undertaking that he will demolish it and go away when the lease/license come to an end. It is submitted that he had invested huge amounts and there are similar cases where respondents have given permission for continuation.

Taking into consideration all these materials and without going into the merits of the case, I direct the respondents not to forcibly throw the petitioner out for a period of two months from today and meanwhile there

can be a negotiation between the petitioner and respondents regarding the subject matter of the suit. Thereafter if the matter is not settled the C.M.A. can be disposed of as well as the suit.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-